



FAQ for Retailers

How can I be sure that the solid fuels I sell comply with the new standards?

You should deal only with registered producers of solid fuels. Under the new regulations, all producers must register with the Environmental Protection Agency (EPA) and must include their registration number on any invoice, credit note, dispatch and delivery docket, marketing material or website or at any premises relating to any fuel activity carried out by the producer.

From the 31st of October, the EPA register will be updated regularly, and you will be able to check if the producer and products are listed.

It is an offence to retail any solid fuel product placed on the market by a producer who does not comply with these obligations.

It is always an offence to make available for sale, or offer in any other way, a solid fuel which is not an approved fuel, no matter who the producer is.

What fuels are covered by the new regulations?

All solid fuels being sold for domestic or licenced premises, including coal products, wood products, biomass products and manufactured part biomass products, are subject to the new regulations.

As a retailer, you will need to be sure that each product you offer for sale is provided by a producer registered with the EPA, and that the product is listed as approved by the EPA for that producer.

Importers are also classed as producers even if they do not manufacture the fuel, and so they too must be registered with the EPA.

My supplier says they still have stocks of approved fuels, labelled as per the requirements of the previous regulations. Are they permitted to supply this to me, and am I allowed to sell it on to customers?

The wording “contents comply with the Air Pollution Act Regulations” and the EPA registration number must be clearly included on or attached to the packaging of all products by the producer, and labelling requirements are set out in the Regulations.

Where older packaging does not meet the labelling requirements of the new regulations, the producer must ensure that a label meeting the new requirements is securely attached to the packaging. Once this label is in place, the product may be offered for sale.

As a transitional measure point of sale information containing the required labelling information can be used for the coming heating season where labels/stickers cannot be attached by the producer.

I expect to still have stocks of approved fuel with older labels on the 31st of October 2022. Can I continue to sell this?

Yes, as long as you can verify that the producer and the product are on the EPA register and can provide proof of this. If the product was purchased prior to the 31st of October updated documentation can be requested from the producer to include their EPA registration number if this was not available at the time of purchase.

As a transitional measure point of sale information containing the required labelling information can be used for the coming heating season where labels/stickers cannot be attached by the producer.

I still have some unapproved fuels in stock. Can I sell this off after the new regulations take effect?

No. Once the regulations are in force, it will be an offence to retail unapproved fuels. All existing stocks which will not meet the new technical standards should be sold before the regulations take effect on the 31st of October.

Can an obligation be placed on my suppliers to accept returns of unsold unapproved solid fuels?

This Department cannot legislate to place such an obligation on suppliers. It is recommended that direct negotiations would take place between retailers and their suppliers.

Are firelighters and kindling covered by the regulations?

Firelighters and kindling are not subject to the regulations at this time as they are used for ignition only and not prolonged burning. However, fire logs and fire bags will be subject to the regulations.

Can I sell turf from my retail premises?

No. The regulations specifically include a prohibition on the sale of turf from retail premises, such as shops, service stations, fuel yards, websites, media, public spaces and public houses.

What records do I need to keep?

Retailers must keep records for a period of one year to show that fuel retailed is an approved solid fuel. These records should include all invoices, credit notes, dispatch or delivery documents detailing the products purchased from a producer, including the registration number issued to the producer by the EPA.

These records shall be provided by a retailer for inspection, on request, by an authorised person.

During the transition from the old regulations to the new regulations, a period of two months will be provided to allow retailers obtain updated records from the producer if required.

A checklist for retailers is being developed and will be made available before the regulations come into operation.

Will copies of these records be sufficient, if (for example) the originals are with accountants or auditors?

Yes, provided that upon request, the originals can also be produced for inspection by an authorised person within a reasonable timeframe.

Are there additional record-keep requirements when transporting solid fuel, for example when delivering to customers?

Yes. The owner or operator of any vehicle which is used for the transport of solid fuel shall retain on the vehicle and provide to an authorised officer, if requested:

- (a) A record of the quantity of each type of solid fuel on the vehicle and the name and address of the person or body who supplied the fuel,
- (b) A record of the destination or destinations of the solid fuel and the name and address of the person or persons purchasing the fuel, and
- (c) A record demonstrating that the solid fuel is an approved fuel, such as an invoice, credit note, or dispatch or delivery documents detailing the products purchased from a registered producer which must include the registration number issued to the producer by the EPA.

Disclaimer:

This document provides information to assist retailers to prepare for the new regulations which will come into force on the 31st of October 2022, subject to a successful TRIS notification period.

It represents the most up to date information possible and is not a legal interpretation of the regulations. It is a working document and subject to update and change at any time as new information becomes available.

Any additional queries can be directed to solidfuels@decc.gov.ie



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